

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
ASSOCIATION OF FLIGHT	)	
ATTENDANTS-CWA, AFL-CIO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:05CV01036
	)	
PENSION BENEFIT GUARANTY	)	
CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF'S CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff Association of Flight Attendants-CWA, AFL-CIO ("AFA"), hereby moves for summary judgment. AFA seeks to set aside the Pension Benefit Guaranty Corporation's ("PBGC") decision to terminate the pension plan covering Flight Attendants of United Airlines ("Flight Attendant Plan" or "Plan"). PBGC's decision to terminate the Plan should be overturned as it does not comport with the standards of the Administrative Procedure Act, which prohibits agencies from acting arbitrarily, capriciously, or otherwise not in accordance with law. 5 U.S.C. § 706 (2)(A). Plaintiff files the accompanying memorandum of law that fully sets forth the reasons for overturning PBGC's termination decision.

Respectfully submitted,

/s/ Robert S. Clayman

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Dated: October 24, 2005

Counsel for Association of Flight

Attendants-CWA, AFL-CIO

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 24, 2005, I electronically filed Plaintiff's Cross-Motion for Summary Judgment using the CM/ECF system. I further certify that on October 24, 2005, a true and correct copy of the same was served by electronic mail on:

Jeffrey B. Cohen  
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Attorney for defendant PBGC

/s/ Robert S. Clayman

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